

# Technical update on United Kingdom food regulations

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throughout the supply chain

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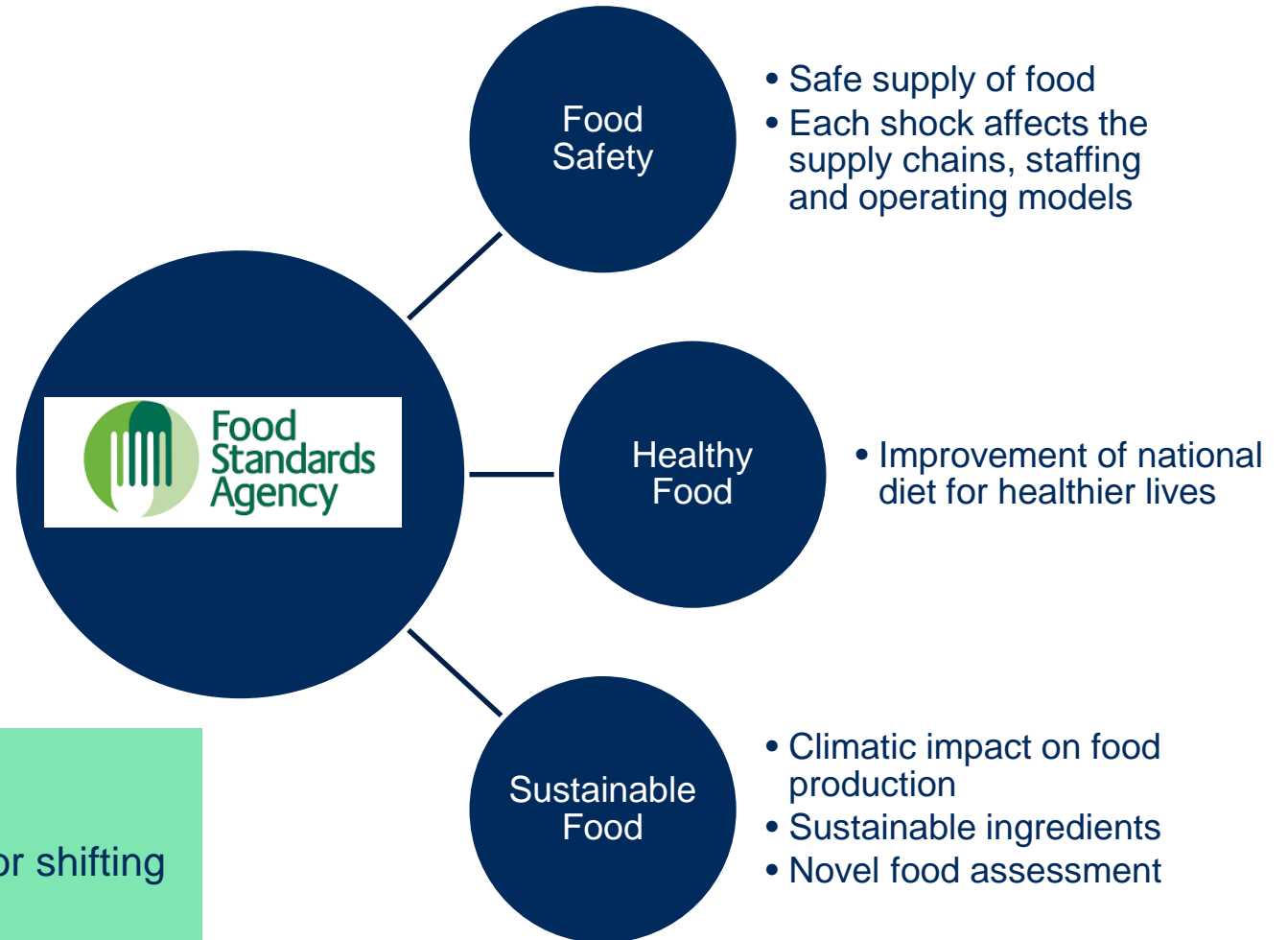




## Mission statements

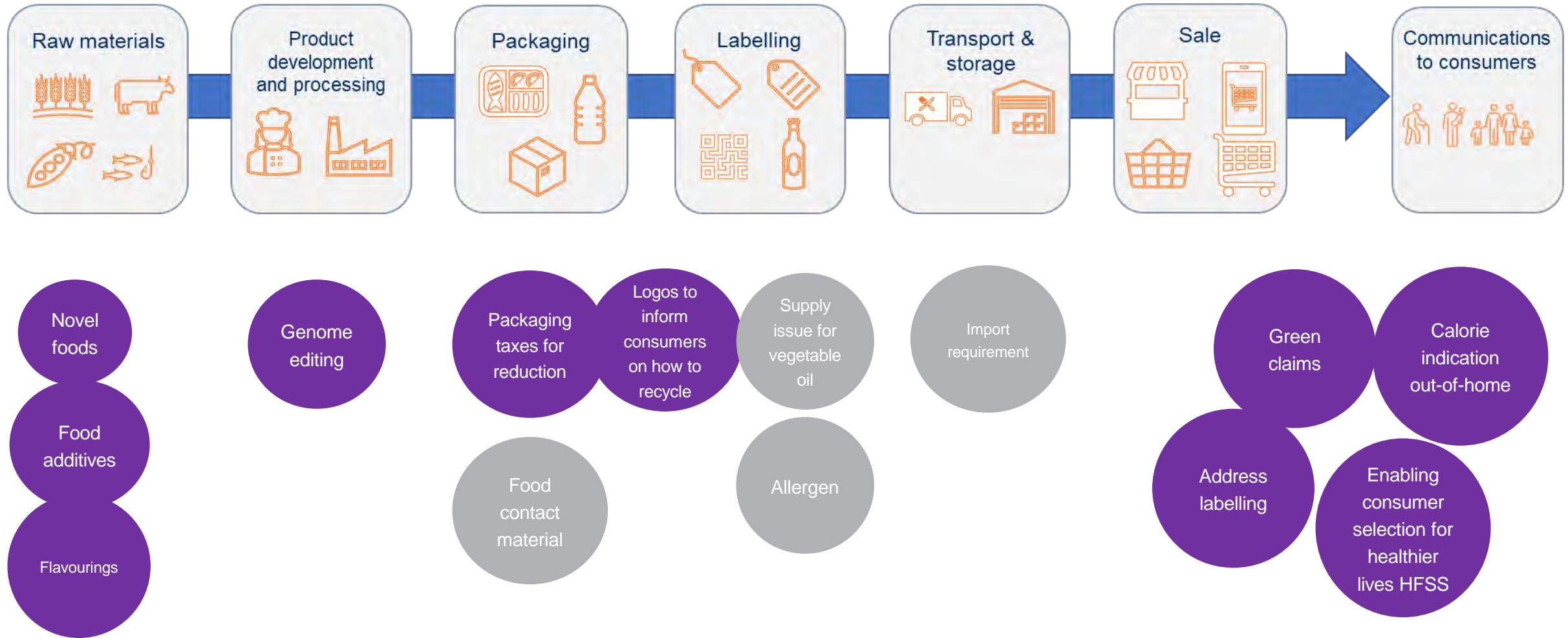


# Food you can trust – FSA mission statement 2022-27



- Food and drink are responsible for 17% of UK greenhouse gas emissions
- Changes to food, for example reducing waste or shifting diets, are a key part of achieving net zero.

# Sustainability



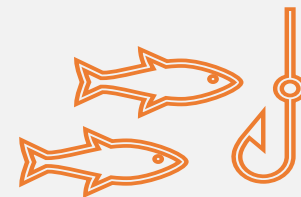
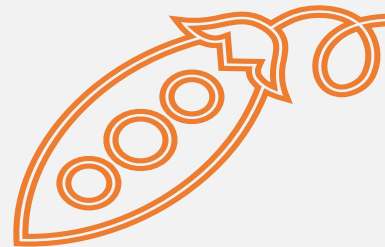
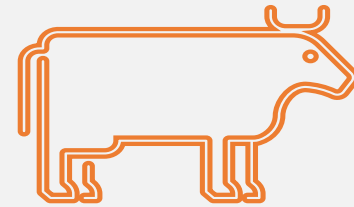
## Technical updates on:

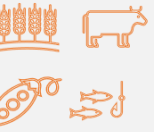
Additives

Flavourings

Novel foods

### Raw materials





## EU is ahead of authorising new additives

Check the register – the **list** of the applications received through the **regulated products application service**

- Forthcoming changes

Submissions since January 2021



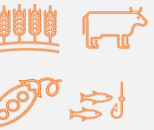
All at assessment stage

- 7 additives
- 5 for Steviol Glycosides



In the EU **5 additives** got approved during this time

# Additive applications in the UK since January 2021 – all at risk assessment stage

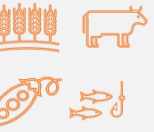


Applicant	Additives
Eat Just, Inc.	Phosphates - Egg Analogues (liquid and solid)
Eat Just, Inc.	Curcumin - Egg Analogues (liquid and solid)
Eat Just, Inc.	Nisin - Egg Analogues (liquid and solid)
Unilever	Polyglycerol polyricinoleate (PGPR), E476
Bio Natural Solutions	Sodium alginate (E 401)
Fermentalg	Blue microalgae extract

Applicant	Additives
Apeel Sciences	E 471 mono- and diglycerides of fatty acids
PureCircle/Ingredion	Rebaudioside M produced via enzyme modification of steviol glycosides from stevia
Amyris, Inc	Steviol glycosides from fermentation (Reb M)
Cargill/Avansya	Steviol Glycosides (E 960)
SweeGen, Inc.	Rebaudioside M
SweeGen, Inc	Steviol Glycosides (E 960)



All additives approved in the EU since January 2022 have not yet been adopted by the UK authority

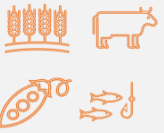


Additives approved in the EU	Food categories
Ban of titanium dioxide (E 171)	In all foods
Sodium carbonates (E 500) and potassium carbonates (E 501)	In unprocessed cephalopods (previously permitted in frozen cephalopods)
Oat lecithin (E 322a)*	In cocoa and chocolate products
Glycolipids (E246)* as a preservative	In beverages
Polyvinylpyrrolidone (E1201)*	In food for special medical purposes, in tablet and coated tablet forms

\*newly authorised additives

# Case Study: Titanium dioxide E171 in the UK

Raw materials



## From 7 February 2022

- Not permitted in the EU and in Northern Ireland, due to the application of the Northern Ireland Protocol

## Interim position paper

- FSA to launch their own review of the safety of titanium dioxide as a food additive
- The FSA Secretariat to present available database on the genotoxicity of titanium dioxide for independent review

## After 7 August 2022

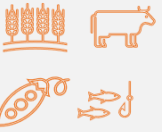
- Food products containing TiO<sub>2</sub> no longer to be placed on the EU/NI market
- Foods already on the market will be able to remain on the market until they reach their date of minimum durability or 'use by' date

## Conclusion

- Evidence did not allow definitive conclusions to be drawn and no agreement with the overall EFSA conclusions on the genotoxicity of E171
- More reliable and robust dataset would be required before any conclusions could be drawn on the mutagenicity of TiO<sub>2</sub> particles
- EFSA made no clear distinction between the genotoxicity of nano-sized and micro-sized titanium dioxide particles

# UK playing catch-up with EU for flavourings approval

Raw materials



Inclusion of dossiers for the UK Authority for the following EU-approved flavourings

- 3-(1-((3,5-dimethylisoxazol-4-yl)methyl)-1*H*-pyrazol-4-yl)-1-(3 hydroxybenzyl)imidazolidine-2,4-dione\*
- 4-amino-5-(3-(isopropylamino)-2,2-dimethyl-3oxopropoxy)-2-methylquinoline-3-carboxylic acid
- 2-(4-methylphenoxy)-N-(1*H*-pyrazol-3-yl)-N-(thiophen-2-ylmethyl)acetamide

\*there is also an application submitted for this flavouring for the UK authorities





# Novel Food Application Process in the UK

- GB list of novel foods: all authorised novel foods are included ([Commission Implementing Regulation \(EU\) 2017/2470](#))

New novel foods need to be authorised before they can be placed on the market in GB.

- Traditional food notification
- Full application
- <https://www.food.gov.uk/apply-for-a-regulated-product-authorisation>

EFSA guidance remains relevant as FSA approach is based on EU processes.

- Must follow the parts that relate to the development of dossiers. <https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2016.4594>

- If you submitted a novel food application to the EU before 1 January 2021 and the assessment process for this application has not been completed, you will need to submit your application in the GB and provide the EFSA question number.
- The FSA Advisory Committee on Novel Foods and Processes (ACNFP) actively advise FSA

See Annex for the EU list of authorised novel foods/ingredients since 1 January 2021

# Since January 2021, 17 novel applications have been made

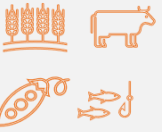


Ingredient	EU authorised YES/NO	UK status YES/NO	Applicant
3'-Sialyllactose (3'-SL) sodium salt	YES	Positive opinion	By Glycom A/S
6'-Sialyllactose (6'-SL) sodium salt	YES	Positive opinion	By Glycom A/S
Barley Rice Protein	NO	Risk assessment	Evergrain, LLC
Mung Bean Protein	YES	Risk assessment	Eat Just, Inc.
Calcidiol, Calcifediol, HyD	NO	Risk assessment	DSM Nutritional Products Ltd
DHA-rich algal oil from Schizochytrium sp strain WZU477 and DHA 550	YES	Positive opinion	Progress Biotech BV and Fermentalg
GO Wolffia	YES	Risk management	GreenOnyx Ltd
Cetylated fatty acids	YES	Risk assessment	Pharmanutra S.p.A.
Lacto-N-fucopentaose I (LNFP-I) and 2'-fucosyllactose (2' FL) mixture (LNFP-I/2'-FL)	NO	Risk assessment	(sub-) division of DSM Nutritional Products Ltd)

Ingredient	EU authorised YES/NO	UK status YES/NO	Applicant
Bambara groundnut	NO	Risk assessment	BIO-INNOVATION ZIMBABWE
Cellobiose	NO	Risk assessment	Savanna Ingredients GmbH
Vitamin D2 mushroom powder	YES	Risk management	MBio, Monaghan Mushrooms Ireland Unlimited Company
3-fucosyllactose (3-FL)	YES	Risk assessment	Glycom A/S (Glycom A/S)
Corn protein	NO	Risk assessment	Cargill R&D Centre Europe BV
UV-treated baker's yeast (Saccharomyces cerevisiae)	YES	Risk management	Lallemand Bio-Ingredients
Magnesium L-Threonate	NO	Risk assessment	AIDP MAGTEIN®
Isomalto-oligosaccharides	YES	Risk assessment	BioNeutra North America Inc.

# The CBD Saga

Raw materials



## Background:

- The novel food status of CBD extracts was confirmed by the Commission in [January 2019](#)
- Food businesses must [apply for authorisation of their CBD extracts and isolates](#) to be placed on the GB market (full application, deadline **31 March 2021**)
- The applicant will be the manufacturer, but others such as trade bodies and other suppliers may also apply. [CBD guidance available](#)

## Current status:

12117 products registration received [Register of CBD products linked to novel food applications](#)

**131 validated**

**11923 awaiting  
evidence**

**63 removed**

- The list is now closed and further requests to have products put on the public list or evidence sent are no longer being accepted.
- All other CBD products not on the list to be voluntarily withdrawn
- Local authorities are responsible for enforcement and may remove these products from the market

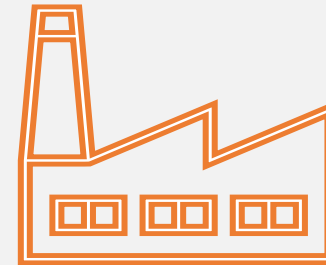
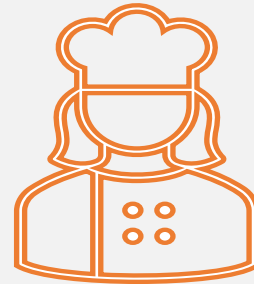


## Technical updates on:

Genetic modifications

Fortification

## Product development and processing



# Bill on Genome Editing (Precision Breeding) is still evolving and still controversial



## What is it?

- Make targeted genetic changes to produce beneficial traits that can also occur through traditional breeding and natural processes

## Aim

- Encourage agricultural and scientific innovation in the UK
- Legislation will unlock the potential of new technologies to promote sustainable and efficient farming and food production
- Introduce simpler regulatory measures to enable these products to be authorised and brought to market more easily

## Timeline

- Introduced to the House of Commons on 25 May 2022. The Bill's second reading took place in the House of Commons on 15 June 2022. It completed its committee stage on 7 July 2022 and was reported to the House unamended
- A date is awaited for report and third reading (at the moment is at Report stage)



## Main policy changes

Remove plants and [vertebrate] animals produced through precision breeding technologies from regulatory requirements applicable to the environmental release and marketing of GMOs

Introduce two notification systems; one for precision bred organisms used for research purposes and the other for marketing purposes

Establish a proportionate regulatory system for precision bred animals to ensure animal welfare is safeguarded. The Government said it would not introduce changes to the regulations for animals until this system is in place

Establish a new science-based authorisation process for food and feed products developed using precision bred organisms



## Limitation in vitamin sources for supplements sold in the UK

### Divergences in the UK from EU for fortification

- Botanical species containing hydroxyanthracene derivatives added to Part A and C of Fortification Regulation
- Monacolins from red yeast rice in Part B and C

DHSC will be consulting on the proposals for risk management actions for these substances, consulting before the SI is drafted

### Divergences in the UK from EU for food supplements- changes not implemented yet

- Nicotinamide riboside chloride and Magnesium citrate malate included in Annex I of permitted form of vitamins and minerals
- 'Copper ( $\mu\text{g}$ )' is replaced by 'Copper (mg)'; from **30 September 2022** and that do not comply with may be marketed after that date until the existing stocks run out

## One step closer to adding folic acid to flour

- Mandatory fortification of non-wholemeal wheat flour with folic acid to help prevent neural tube defects in fetuses
- The proposed level of fortification of folic acid in flour is under consideration.
- The proposed max. levels range from 100 to 450 micrograms of folic acid per 100 grams of flour
- UK-wide consultation closes on Wednesday 23 November



Technical updates on:

Restrictions through taxes

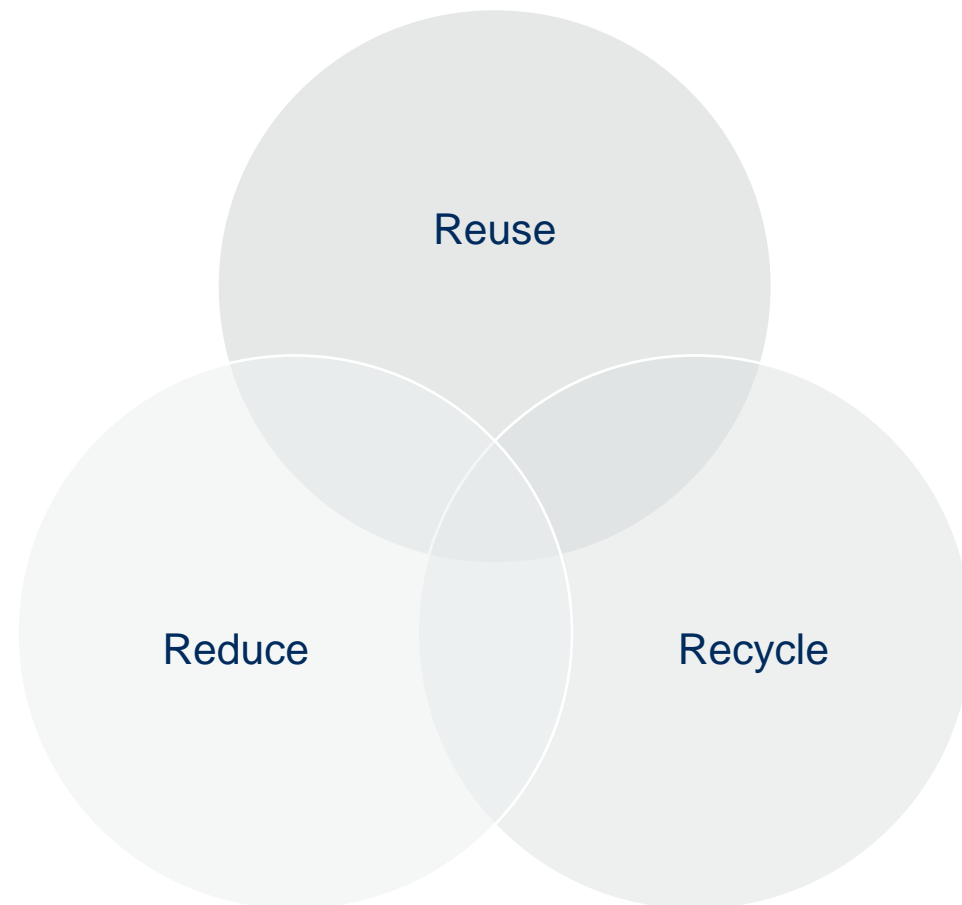
Informing consumer actions

## Packaging



# A big role to play in sustainability

- The three Rs



# Plastic Packaging Tax (PPT) applicable from April 2022



- £200 per tonne of packaging, if over 10 tonnes
- Applicable to plastic packaging manufactured in, or imported into the UK, that does not contain at least 30% recycled plastic
- Plastic packaging is packaging that is predominantly plastic by weight

## Aim:

- Provide a clear economic incentive for businesses to use recycled plastic in the manufacture of plastic packaging
- Create greater demand for this material
- Stimulate increased levels of recycling and collection of plastic waste, diverting it away from landfill or incineration



# Informing consumer actions



## On-pack recycling logo

- Voluntary at the moment
- Changing from a 3-option recycling message to a simple binary (recycle/don't recycle) message



## Mandatory labelling

- Defra will introduce a single mandatory labelling scheme indicating recyclability for most packaging to support EPR
- Defra have indicated that that the scheme will use the 'recycle now' swoosh logo and a 'recycle / do not recycle' message (very similar to OPRL)



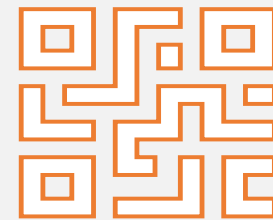
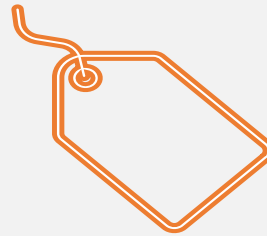
<b>31 March 2026</b>	All packaging types (except for plastic films and flexibles) will be required to be labelled as 'recycle' or 'do not recycle'
<b>31 March 2027</b>	Plastic films and flexibles will need to be labelled as 'recycle' or 'do not recycle'



Technical updates on:

Labelling

## Labelling





## Displaying calories on menus in restaurants

- The Calorie Labelling (Out of Home Sector) (England) Regulations 2021 require calorie information to be displayed on menus and food labels
- Came into force on **6 April 2022**

### SCOPE

Encompasses restaurants, cafes, supermarkets, takeaways, and restaurants and cafes that are situated within larger stores or premises (such as cinemas)



### FOOD

- Offered for sale in a form which is suitable for immediate consumption, is not pre-packed (*ie* not food packed at a customer's request at the premises where it was purchased or food which is prepacked for direct sale to a consumer),
- Purchasing food online
- Not exempt food (alcoholic drinks containing more than 1.3% ABV)

### LABELLING

- Energy content in kilocalories of a single portion of the food,
- the size of portion to which the information relates
- Statement that adults need around 2000 kcal per day
- Information must be available at the point at which a consumer decides to purchase it (for example, a menu or the outer packaging)

Implementation guidance [Calorie labelling in the out of home sector: implementation guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/calorie-labelling-in-the-out-of-home-sector-implementation-guidance)

# EU addresses continue to be permitted on food labels on the GB market for an additional 15 months

- You can continue to use an EU, GB or NI address for the FBO on pre-packaged food or caseins sold in GB until 30 December 2023
- **From 1 January 2024**, pre-packaged food or caseins sold in GB must include a UK address for the FBO. If the FBO is not in the UK, include the address of your importer, based in the UK
- Deadline changed from 1 October 2022 to 1 January 2024

## **Foods affected by the Regulations**

**replacing** 'EU' and 'non-EU' with 'non-UK' or 'UK and non-UK':

- Quick frozen foods
- Extraction solvents
- Caseins and caseinates
- Beef and veal
- Minced meat
- Honey blends
- Olive oil
- Fruit and vegetable
- Egg
- Wine

The deadline to use "UK/EC" identification marks – required on products of animal origin – in GB has also been extended to 1 January 2024

Technical updates on:

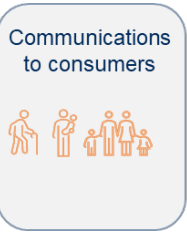
Environmental claims

Product promotion restriction

## Communications to consumers



# Restricting price and location promotions for HFSS products from 1 October 2022



## Promotion & Placement

The Food (Promotion and Placement) (England) Regulations 2021 introduce significant restrictions in retail stores and their online equivalents of certain foods and drinks that are high in fat, salt or sugar (HFSS) or ‘less healthy’

- Multibuys and ‘X% free’ offers on HFSS food will be banned
- HFSS food will not be allowed to be offered for sale in certain areas of an online marketplace such as a home page or checkout page
- HFSS foods will not be allowed to be placed in certain premium store marketing positions such as aisle ends, by the checkout, near the store entrance

## Industry guidance:

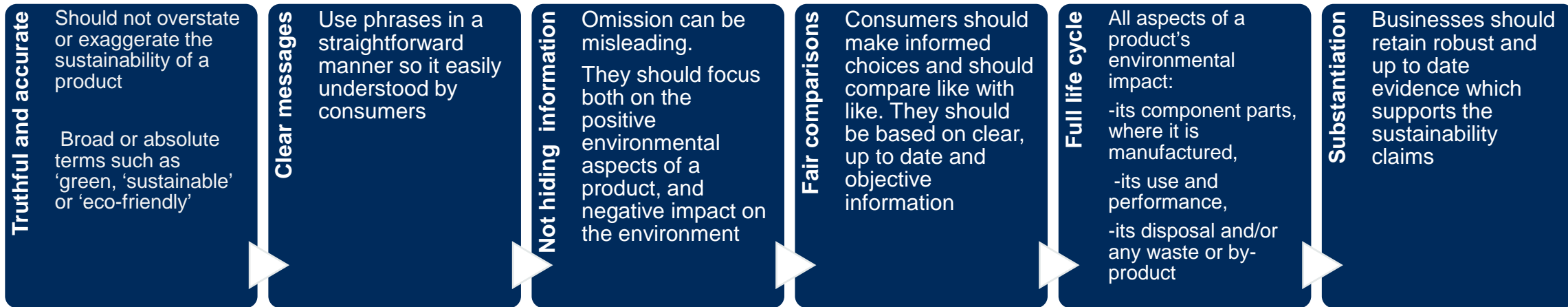
The BRC guidance provides a detailed table of the categories that fall within the scope of the regulations and gives various examples and exclusions within each category. [brc-hfss-guidance-products-in-out-of-scope-june-2022.pdf](#)

1 October 2022	<ul style="list-style-type: none"> <li>• Store placement restriction</li> <li>• Online placement restriction</li> </ul>
1 October 2023	<ul style="list-style-type: none"> <li>• Price promotion restriction (BOGOFs etc)</li> </ul>
1 January 2024	<ul style="list-style-type: none"> <li>• 9pm watershed for TV ads</li> <li>• Total ban on paid-for advertising online</li> </ul>



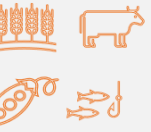
## All environmental claims now need to be compliant with Green Claims Code

- UK CMA published a Green Claims Code (the “Code”) and accompanying guidance on 20 September 2021
- The Code is aimed at businesses making sustainability claims when selling or promoting goods and services
- January 2022, environmental claims (whether made offline or online) do need to comply with the Code



# Questions

# Appendix

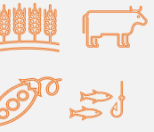


## Annex: The EU list of authorised novel foods/ingredients since 1 January 2021

- Nicotinamide riboside chloride
- *Calanus finmarchicus* oil
- Kernels from the edible variety of *Jatropha curcas* L
- Tetrahydrocurcuminoids
- Calcium L-Methylfolate
- Frozen, dried and powder forms of *Acheta domesticus*
- **Frozen, dried and powder forms of yellow mealworm (*Tenebrio molitor* larva)**
- Pasteurised *Akkermansia muciniphila*
- *Coffea arabica* L. and/or *Coffea canephora* Pierre ex A.Froehner dried cherry pulp
- Calcium fructoborate
- Frozen, dried and powder forms of *Locusta migratoria*
- Dried fruits of *Synsepalum dulcificum*
- Coriander seed oil from *Coriandrum sativum*
- Arachidonic acid-rich oil from *Mortierella alpina*
- **Dried *Tenebrio molitor* larva**
- Partially defatted rapeseed powder from *Brassica rapa* L and *Brassica napus* L
- Iron hydroxide adipate tartrate
- ***Acheta domesticus* (house cricket)**

# The insect saga

Raw materials



## Following EU Exit:

- Regulation 2015/2283 was retained including the transitional measures of Article 35(2) that apply to edible insects
- This means that, **from 1 January 2021**, only edible insects authorised by FSA or FSS may be placed on the market in Great Britain, unless they are covered by the transitional measures

## Transitional arrangements:

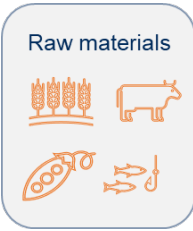
Transitional measures were included in Article 35(2) of 2015/2283. These allowed certain edible insects to continue to be placed on the market until the Commission made a decision regarding authorisation, provided the product:

- had been lawfully placed on the market by 1 January 2018,
- did not fall within the scope of EU Regulation 258/97
- was subject to an application having been submitted to the EU by 1 January 2019

**Aim of Consultation:** Policy proposal to introduce a legislated transitional measure, specific to GB, which will clarify the arrangements for businesses seeking a novel food authorisation for their edible insect product

**Status Now:** Closed on 10 August 2022; awaiting conclusions from consultation





## Change of authorisation holder for smoke flavourings in the UK

- Applications have been received via the UK Regulated Products Application Service
- Requesting modification of authorisation holder details for five smoke flavouring authorisations

RP ID	Applicant	Flavourings	Comments
1445	Azelis Denmark A/S	Scansmoke PB1110	Request for a change of authorisation holder to proFagus GmbH
1472	Nactis Flavours	TRADISMOKE A MAX (SF-007)	Request for a change of authorisation holder to JRS Rettenmaier
1480	Kerry Group	SF 002, SF 005, SF 006	Request for the legal transfer of the entities from MasterTaste (SF 002) and RedArrow Products (SF 005, SF 006) to Kerry Group

# Supply matter and labelling implications

- **FSA and FSS issue further guidance on the use of oils as ingredient substitutions in June 2022**
- Substitution of sunflower oil/sunflower lecithin safety reviews and labelling options update
- The following oils may be used to replace sunflower oil in some products temporarily without this being reflected on labelling:
  - Refined rapeseed oil
  - Fully refined palm oil
  - Fully refined coconut oil and
  - Fully refined soyabean oil
  - Fully refined corn (maize) oil
- The risk of allergic reactions from the substitute oils on the list is very low and for fully refined soybean oil it is negligible, which means that allergic reactions to these fully refined vegetable oils are very rare and – if they do occur – are mild

# Changes ahead for allergen labelling

- Guidance for small food businesses on using precautionary allergen labelling such as 'may contain' and "not suitable for consumers with a x allergy"
- Between 6th December 2021 and 14th March 2022, FSA undertook a consultation with stakeholders:
  - Support for standardising the wording and execution on PAL for pre-packed foods
  - 'Not suitable for those with an allergy to [allergen]' was the preferred statement
  - A PAL statement should only be applied following a risk assessment.
  - The current guidance on the use of PAL is viewed as inadequate
  - There is support for the FSA voluntary standards on PAL use:
    - It should specify the allergen(s)
    - It should not be used with a free-from label for the same allergen
    - It should only be used where there is an unavoidable risk of allergen cross contact
  - There is support for standardising information regarding the risk of allergen cross contact within supply chains and setting allergen thresholds

## NATASHA'S LAW

- **Came into effect on 1st October 2021**
- Requires all food outlets to provided with full ingredient lists with clear allergens
- Between 6th December 2021 and 14th March 2022, the Food Standards Agency (FSA) undertook a consultation with stakeholders gen labelling on Pre Packed for Direct Sale foods (PPDS) (prepared, prepacked and offered or sold to consumers on the same premises)
- According to the new rules, food will have to clearly display the following information on the packaging:
  - Name of the food
  - Full ingredients list, with allergenic ingredients emphasised (for example in bold, italics or a different colour)

# A Position Paper on Bio-based Alternatives for Conventional Plastics

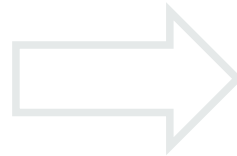


## Key Challenges: Limitation & Knowledge Gap

- More conclusive results required to ensure that the safety of this kind of packaging materials in direct food-contact applications meets standards like in conventional plastics including labelling of content
- Toxicity studies including long term / in vivo required to ensure a more comprehensive risk assessment



Development for several standards to harmonize methodologies and technologies for "Biobased products"



Determination of:

1. Bio-based Content
2. Sustainability Criteria
3. Life Cycle Assessment

## Case Study: Bamboo Bio-Composites still on hold

- The COT was unable to make recommendations on bamboo bio-composites FCMs due to insufficient UK data
- A UK study assessing the risks associated with bamboo composites and other biobased food contact materials is currently underway
- Study addressing
  - **Migration levels of formaldehyde and melamine**
  - Potential presence of other chemicals, such as heavy metals and pesticide residues
- Data from this study is expected to be available in March 2022 – delay
- Once, UK data is available, a full risk assessment will be undertaken





## GB considering removal of 'Do Not Eat' pictograph from FCM packaging



- Owing to copyright issues, GB may remove the mandatory requirements of using “Do Not Eat” pictograph
- A consultation exercise (closed on 10<sup>th</sup> August 2022) took place to discuss the removal; until then, the application of the wording of ‘DO NOT EAT’ will continue to remain a mandatory labelling requirement for active and intelligent materials and articles



Regulation (EC) No 450/2009: “to allow identification by the consumer of non-edible parts, active and intelligent materials and articles or parts thereof shall be labelled, whenever they are perceived as edible, with the words ‘**DO NOT EAT**’ (capitalised); and **with the pictograph** specified in the Regulation, where it is technically possible”

## Divergence in import regulations for POAO and Composite Products



- From **1 July 2022** third country lists for animals and animal products will be published online rather than in UK legislation
- **EU and EFTA countries approved to export animals and animal products to Great Britain**
- **Non-EU countries approved to export animals and animal products to Great Britain**
- **Establishments approved to export animals and animal products to Great Britain**
- Certification requirements for animals and animal products are published on [www.gov.uk](http://www.gov.uk)

# Different import requirements for POAO and composite products between EU/UK



- Health certificates are not required for products from the EU until the end of 2023 - imports just need to be pre-notified on IPAFFS
- DEFRA intends to publish a new border operating model later this year that should provide additional details on future changes to importing products from the EU
- UK Government delays the final grace periods on SPS checks and Safety & Security Declarations.
- The implementing changes meant further customs paperwork and physical checks for SPS goods,
- The Government will provide technological solutions at the border.
- Will publish **Target Operating Model in the autumn 2022** and will set out the new regime at border controls
- These changes will be announced and introduced **by the end of 2023**



## Still indicate both imperial and metric measures

Consultation on the use of imperial measures:

- 'Choice on units of measurement: markings and sales'
- <https://www.gov.uk/government/consultations/choice-on-units-of-measurement-markings-and-sales>
- *The consultation closed at 11pm on 26 August 2022*

Guidance: 'Applying a crown symbol to pint glasses':

- <https://www.gov.uk/guidance/applying-a-crown-symbol-to-pint-glasses>





## No new health claims authorised in the UK since Brexit

One health claim being submitted:

### Claims

“The combination of lutein, meso-zeaxanthin and zeaxanthin helps maintain normal visual performance by maintaining clarity and contrast of sight

### Conditions

Daily intake of 10mg lutein, 10mg meso-zeaxanthin and 2mg zeaxanthin (22mg total carotenoids) for a minimum of 12 months to show a beneficial effect in contrast sensitivity. The proposed target population is healthy adults

### Conclusion

A cause and effect relationship has **NOT** been established between the consumption of a combination of 10mg lutein, 2mg zeaxanthin and 10mg meso-zeaxanthin and improved visual performance due to insufficient evidence

Changes to be aware of:

**In application:** amend the application form to include details for applicants on searching trial registries and include a statement regarding non-registered studies

**Trade mark or brand name** of a product or range of products implying a nutrition or health claim must be accompanied by a prominent, related, authorised claim

**From 1 January 2022** trademarks or brand names that existed before 1 January 2005 **DO** have to comply with this requirement

# leatherhead food research

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